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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-574

11 **SHARON BEVERLY SEAMANS**  
12 **P.O. Box 243**  
13 **Vista, CA 92085**

**DEFAULT DECISION AND ORDER**

**Registered Nurse License No. 734506**

[Gov. Code, §11520]

Respondent.

14 **FINDINGS OF FACT**

15 1. On or about March 29, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her  
16 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
17 of Consumer Affairs, filed Accusation No. 2012-574 against Sharon Beverly Seamans  
18 (Respondent) before the Board of Registered Nursing. (The Accusation is attached as Exhibit A.)

19 2. On or about August 13, 2008, the Board of Registered Nursing (Board) issued  
20 Registered Nurse License No. 734506 to Respondent. The Registered Nurse License was in full  
21 force and effect at all times relevant to the charges brought in Accusation No. 2012-574 and will  
22 expire on May 31, 2012, unless renewed.

23 3. On or about March 29, 2012, Respondent was served by Certified and First Class  
24 Mail copies of the Accusation No. 2012-574, Statement to Respondent, Notice of Defense,  
25 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
26 and 11507.7) at Respondent's address of record which, pursuant to California Code of  
27 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.  
28 Respondent's address of record was and is:

1 P.O. Box 243  
2 Vista, CA 92085

3 4. Service of the Accusation was effective as a matter of law under the provisions of  
4 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
5 124.

6 5. On or about April 18, 2012, the aforementioned documents served by certified mail  
7 were delivered to Respondent's address of record, and signed for by Respondent.

8 6. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
10 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
11 of the accusation not expressly admitted. Failure to file a notice of defense shall  
12 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
13 may nevertheless grant a hearing.

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
15 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-  
16 574.

17 8. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the  
19 hearing, the agency may take action based upon the respondent's express admissions  
20 or upon other evidence and affidavits may be used as evidence without any notice to  
21 respondent.

22 9. Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and, based on the  
24 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
25 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
26 therein on file at the Board's offices regarding the allegations contained in Accusation No. 2012-  
27 574, finds that the charges and allegations in Accusation No. 2012-574, are separately and  
28 severally, found to be true and correct by clear and convincing evidence.

10 Taking official notice of its own internal records, pursuant to Business and  
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
12 and Enforcement is \$732.50 as of April 25, 2012.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Sharon Beverly Seamans has subjected her Registered Nurse License No. 734506 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the Default Decision Investigatory Evidence Packet in this case:

a. Respondent has subjected her license to disciplinary action under sections 490 and 2761, subdivision (f) of the Code in that on or about June 3, 2011, in a criminal proceeding entitled *People of the State of California v. Sharon Beverly Seamans*, in San Diego County Superior Court, case number CN291839, Respondent was convicted on her plea of guilty of violating Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol, a misdemeanor. The court found true the special allegation that Respondent was previously convicted on May 2, 2008, of violating Vehicle Code section 23103, subdivision (a) alcohol-related reckless driving, pursuant to Vehicle Code sections 23626 and 23540. Said criminal conviction is substantially related to the qualifications, functions, and duties of a registered nurse.

b. Respondent has subjected her license to disciplinary action under sections 490 and 2761, subdivision (f) of the Code in that on or about June 3, 2011, in a criminal proceeding entitled *People of the State of California v. Sharon Beverly Seamans*, in San Diego County Superior Court, case number CN291843, Respondent was convicted on her plea of guilty of violating Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol, a misdemeanor. The court found true the special allegation that Respondent had two or more DUI convictions within ten years of a Vehicle Code section 23152 conviction, pursuant to Vehicle Code sections 23626 and 23540. Said criminal conviction is substantially related to the qualifications, functions, and duties of a registered nurse.

c. Respondent has subjected her registered nurse license to disciplinary action under section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about April 13, 2011, and April 27, 2011, Respondent used alcoholic beverages to an extent or in a

1 manner that was dangerous and injurious to herself, and to others in that she operated a motor  
2 vehicle while significantly impaired, caused collisions, and left the scene of the collisions.

3 d. Respondent has subjected her registered nurse license to disciplinary action  
4 under section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about  
5 June 3, 2011, Respondent was convicted in two separate criminal cases involving the  
6 consumption of alcohol.

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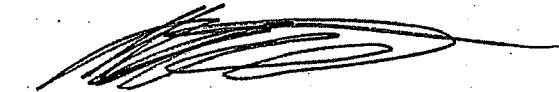
**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 734506, heretofore issued to Respondent Sharon Beverly Seamans, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 6, 2012.

It is so ORDERED July 6, 2012



FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID: SD2012702942

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
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2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 State Bar No. 101336  
AMANDA DODDS  
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*Attorneys for Complainant*  
8

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012 - 574

13 **SHARON BEVERLEY SEAMANS**  
14 **P.O. Box 243**  
**Vista, CA 92085**

**ACCUSATION**

15 **Registered Nurse License No. 734506**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about August 13, 2008, the Board of Registered Nursing issued Registered  
24 Nurse License Number 734506 to Sharon Beverley Seamans (Respondent). The Registered  
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on May 31, 2012, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board



1 may inquire into the circumstances surrounding the commission of the crime in order  
2 to fix the degree of discipline or to determine if the conviction is substantially related  
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"  
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or  
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the  
following:

9 . . . .

10 (f) Conviction of a felony or of any offense substantially related to the  
11 qualifications, functions, and duties of a registered nurse, in which event the record of  
the conviction shall be conclusive evidence thereof.

12 . . . .

13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning  
15 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
licensed under this chapter to do any of the following:

16 . . . .

17 (b) Use any controlled substance as defined in Division 10 (commencing with  
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
19 dangerous or injurious to himself or herself, any other person, or the public or to the  
extent that such use impairs his or her ability to conduct with safety to the public the  
20 practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,  
or self-administration of any of the substances described in subdivisions (a) and (b) of  
22 this section, or the possession of, or falsification of a record pertaining to, the  
substances described in subdivision (a) of this section, in which event the record of  
23 the conviction is conclusive evidence thereof.

24 . . . .

25 11. Section 2765 of the Code states:

26 A plea or verdict of guilty or a conviction following a plea of nolo contendere  
27 made to a charge substantially related to the qualifications, functions and duties of a  
registered nurse is deemed to be a conviction within the meaning of this article. The  
board may order the license or certificate suspended or revoked, or may decline to  
28 issue a license or certificate, when the time for appeal has elapsed, or the judgment of

conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

#### REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

13. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

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1 COST RECOVERY

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE

7 (June 3, 2011 Criminal Conviction for DUI on April 13, 2011)

8 15. Respondent has subjected her license to disciplinary action under sections 490 and  
9 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially  
10 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as  
11 follows:

12 a. On or about June 3, 2011, in a criminal proceeding entitled *People of the State*  
13 *of California v. Sharon Beverly Seamans*, in San Diego County Superior Court, case number  
14 CN291839, Respondent was convicted on her plea of guilty of violating Vehicle Code section  
15 23152, subdivision (a), driving under the influence of alcohol, a misdemeanor. The court found  
16 true the special allegation that Respondent was previously convicted on May 2, 2008, of violating  
17 Vehicle Code section 23103, subdivision (a) alcohol-related reckless driving, pursuant to Vehicle  
18 Code sections 23626 and 23540. (See paragraph 19, below.) The court dismissed additional  
19 counts of driving with a blood alcohol concentration (BAC) of 0.08% or more (Veh. Code, §  
20 23152(b)), and hit and run driving (Veh. Code, § 20002(a)) pursuant to a plea agreement.

21 b. As a result of the conviction, on or about June 3, 2011, Respondent was  
22 sentenced to 96 hours in jail, with credit for 96 hours, and she was granted five years summary  
23 probation. Respondent was further ordered to pay fees, fines, and restitution in the amount of  
24 \$2,500, and comply with standard alcohol conditions. The court assessed Respondent's BAC as  
25 .08 percent.

26 c. The facts that led to the conviction are that on or about the evening of April 13,  
27 2011, a California Highway Patrol officer was dispatched to a report of a property damage  
28 vehicle collision on SR-78 near Vista. Upon arrival at the scene, the officer conducted an

1 investigation and concluded that Respondent made an unsafe lane change and collided into  
2 another vehicle. The victim reported that after Respondent collided with his vehicle, she refused  
3 to stop and continued driving until he positioned his vehicle in front of hers. Both vehicles had  
4 moderate collision damage consistent with the victim's account of events. Upon interviewing  
5 Respondent, the CHP officer detected the distinct odor of an alcoholic beverage emitting from her  
6 breath and person, her eyes were red and watery, and her speech was slurred. When asked if she  
7 had been drinking, Respondent stated that she had consumed four beers the night before.  
8 Respondent submitted to a series of field sobriety tests which she was unable to perform and  
9 explained and demonstrated by the officer. Respondent provided two breath samples which were  
10 analyzed with a BAC of .095 and .092, respectively.

#### 11 SECOND CAUSE FOR DISCIPLINE

12 (June 3, 2011 Criminal Conviction for DUI on April 27, 2011)

13 16. Respondent has subjected her license to disciplinary action under sections 490 and  
14 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially  
15 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as  
16 follows:

17 a. On or about June 3, 2011, in a criminal proceeding entitled *People of the State*  
18 *of California v. Sharon Beverly Seamans*, in San Diego County Superior Court, case number  
19 CN291843, Respondent was convicted on her plea of guilty of violating Vehicle Code section  
20 23152, subdivision (a), driving under the influence of alcohol, a misdemeanor. The court found  
21 true the special allegation that Respondent had two or more DUI convictions within ten years of a  
22 Vehicle Code section 23152 conviction, pursuant to Vehicle Code sections 23626 and 23540.  
23 (See paragraphs 15 and 19.) The court dismissed additional counts of driving with a blood  
24 alcohol concentration (BAC) of 0.08% or more (Veh. Code, § 23152(b)) pursuant to a plea  
25 agreement. The court assessed Respondent's BAC at .14 percent.

26 b. As a result of the conviction, on or about June 3, 2011, Respondent was granted  
27 five years summary probation, and sentenced to 52 days in jail, with credit for 12 days.  
28 Respondent was further ordered to enroll in and complete a Multiple Conviction Program, pay

1 fines, fees, and restitution in the amount of \$2,500, and comply with standard alcohol conditions  
2 of probation.

3 c. The facts that led to the conviction are that two weeks after her previous arrest  
4 for DUI, on or about midnight of April 27, 2011, deputies from the San Diego County Sheriff's  
5 Department responded to witness reports of a possible DUI driver (Respondent) who had collided  
6 with a telephone pole in the city of San Marcos. The deputies located Respondent at a gas station  
7 approximately 1/2 mile from the collision scene. She was sitting in the driver's seat of her  
8 vehicle smoking a cigarette; there was a large puddle of an unknown liquid outside the driver's  
9 door as if she had poured something out of the open window. Upon contact with Respondent, the  
10 deputy observed that she had a strong odor of an alcoholic beverage on her breath and person, her  
11 eyes were red and watery, and her speech was slurred. When Respondent exited her vehicle, she  
12 had difficulty with her balance. Respondent told the deputy that she drove from her apartment to  
13 the store to purchase cigarettes. Respondent stated that she had consumed three cans of beer at  
14 home prior to driving. She also stated that she used Xanax, but had not taken the medication that  
15 evening. Respondent denied colliding with a telephone pole. The front left side of her vehicle  
16 had marks and damage, including creosote transfer on the hood, which was consistent with  
17 contacting a telephone pole. Witnesses brought to the scene positively identified Respondent as  
18 the driver of the vehicle involved in the collision. Respondent submitted to a series of field  
19 sobriety tests, most of which she was unable to complete as explained and demonstrated by the  
20 deputy. Respondent provided two breath samples which were analyzed with a BAC of .156 and  
21 .148, respectively. Respondent was arrested for DUI. Inside Respondent's vehicle were two  
22 empty cans of beer in the passenger area, and an ice chest on the passenger side floorboard with  
23 10 full, cold cans of beer.

### 24 THIRD CAUSE FOR DISCIPLINE

#### 25 (Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)

26 17. Respondent has subjected her registered nurse license to disciplinary action under  
27 section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about April 13,  
28 2011, and April 27, 2011, as described in paragraphs 15 and 16, above, Respondent used

1 alcoholic beverages to an extent or in a manner that was dangerous and injurious to herself, and to  
2 others in that she operated a motor vehicle while significantly impaired, caused collisions, and  
3 left the scene of the collisions.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct - Convictions for Alcohol-Related Criminal Offenses)**

6 18. Respondent has subjected her registered nurse license to disciplinary action under  
7 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about June 3,  
8 2011, as described in paragraphs 15 and 16, above, Respondent was convicted in two separate  
9 criminal cases involving the consumption of alcohol.

10 **DISCIPLINARY CONSIDERATIONS**

11 19. To determine the degree of discipline, if any, to be imposed on Respondent, pursuant  
12 to California Code of Regulations, title 16, section 1445, subdivision (b), Complainant alleges  
13 that on or about May 2, 2008, in a prior criminal proceeding entitled *People of the State of*  
14 *California v. Sharon Beverly Seamans*, in San Diego County Superior Court, case number  
15 CN243384, Respondent was convicted on her plea of guilty to alcohol-related reckless driving  
16 (Veh. Code, § 23103(a)), a misdemeanor. As a result of the conviction, Respondent was  
17 sentenced to three years summary probation, fined \$966, and ordered to attend and complete a 12-  
18 hour alcohol education program and a MADD Victim Impact Panel session.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 734506, issued to Sharon Beverley Seamans;

2. Ordering Sharon Beverley Seamans to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

*March 29, 2012* *Louise R. Bailey*

LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SD2012702942